

City of Killeen
Regular City Council Meeting
Killeen City Hall
March 25, 2014 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms R. Clayton.

Councilmember Okray gave the invocation, and Councilmember Harris led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda pulling CA-037 & CA-040 for separate consideration. Motion seconded by Councilmember Gilmore. The motion carried unanimously.

Consent Agenda

CA-14-035 Consider minutes of Regular City Council meeting of March 11, 2014.
No Changes.

CA-14-036 Consider a memorandum/resolution authorizing a contract amendment with Jacobs Engineering Group, Inc. to provide additional services for the FEMA Repetitive Flood Claims (RFC) Grant Program.
Staff comments: Kristina Ramirez
City staff recommends that the City Council authorize the City Manager to execute an amendment to the professional services agreement with Jacobs Engineering Group, Inc. to perform Migratory Bird Surveys for the RFC Grant program in the amount of \$20,814.

CA-14-037 PULLED for separate consideration.

CA-14-038 Consider a memorandum/resolution approving an interlocal agreement with Bell County for reciprocal fleet fueling opportunities.
Staff comments: Stu McLennan
Bell County staff requested that the City of Killeen allow County vehicles to refuel at the Fleet facility on Little Nolan Road when in Killeen. Bell County offered to reciprocate by allowing City vehicles to refuel at the County fueling station in Belton. There is no cost for this agreement. The agreement would have an initial term of four (4) years and would renew automatically for additional one (1) year terms.

Staff recommends the approval of this interlocal agreement to minimize costs and enhance cooperation.

- CA-14-039** Consider a memorandum/resolution accepting the annual audit report for the fiscal year ended September 30, 2013.
Staff comments: Amanda Wallace
Final draft of annual audit report presented. Sara Dempsey w/audit firm went over audit results.
Staff recommends that the City Council approve the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2013.

CA-14-040 PULLED for separate consideration

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 035, 036, 038, and 039 as presented. Motion was seconded by Councilmember Segarra. Motion carried unanimously.

- CA-14-037** Consider a memorandum/resolution approving Killeen-Fort Hood Regional Airport Unleaded Fuel Bid 14-06.
Councilmember Gilmore stepped down from the Dias.
Staff comments: Matthew Van Valkenburgh
Staff recommends that City Council award a one year purchase contract of unleaded motor fuel to Big Chief Distributing of Killeen, TX, at the February 6, 2014, indexed price of \$3.0073 per gallon.

Motion was made by Councilmember Okay to approve CA-037. Motion was seconded by Councilmember Segarra; motion carried 6 to 0 with Councilmember Gilmore abstaining.

Gilmore resumed his seat on the council at this time.

- CA-14-040** Consider a memorandum/resolution in support of Killeen Development I, LP's application to the Texas Department of Housing & Community Affairs for an allocation of 2014 9% housing tax credits in connection with the proposed rehabilitation of Moss Rose Apartments, an existing 75-unit public housing community located at 1202 Avenue E, Killeen, Bell County, Texas.
Staff comments: Leslie Hinkle
The Killeen Housing Authority has developed a non-profit organization known as Greater Killeen Housing Alliance, Inc. and has partnered with Housing Solutions Alliance (the developer) to submit an application as Killeen Development I, LP for housing tax credits to TDHCA for the proposed rehabilitation of Moss Rose Apartments, an existing 75 unit public housing community located at 1202 East Avenue E, Killeen, Texas. Michael Bowen with Housing Solutions Alliance, King George Drive, Dallas, Texas, stated that this resolution is to seek the city's support for the project. The city would not be committed to providing funds for the project at this point.

Motion was made by Councilmember Okray to approve CA-040. Motion was seconded by Councilmember Gilmore; motion carried 6 to 1 with Councilmember Clark opposing.

Public Hearings / Ordinances

PH-14-020 HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing General Fund revenues by \$81,600 and increasing the STEP Overtime Salaries account by \$81,600 in the Police Department.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING GENERAL FUND GRANT REVENUES BY \$81,600 AND INCREASING VARIOUS EXPENDITURE ACCOUNTS IN THE POLICE DEPARTMENT BUDGET BY \$81,600; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Deputy Chief Longwell

This ordinance amendment will adjust the beginning balances of the STEP Grant Revenue account and the Police Overtime account to adjust for the increase in funding and expenditures related to the STEP Grant.

Staff recommends that the City Council approve this ordinance amending the FY 2013-2014 General Fund Budget.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Mayor Pro-Tem Blackstone to approve PH-020. Motion was seconded by Councilmember Segarra; motion carried unanimously.

PH-14-021A HOLD a public hearing and consider an ordinance amending the FY 2013-2014 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing the Reimbursement Resolution Killeen-Fort Hood Regional Trail account by \$14,555 for the Killeen-Fort Hood Regional Trail, Segment 3 project.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2013-2014 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE GENERAL FUND BUDGET BY \$14,555 IN THE REIMBURSEMENT RESOLUTION KILLEEN-FORT HOOD REGIONAL TRAIL SEGMENT 3 EXPENDITURE ACCOUNT TO FUND THE ADVANCED FUNDING AGREEMENT FOR THE KILLEEN-FORT HOOD REGIONAL TRAIL SEGMENT 3, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

Staff comments: Scott Osburn

The proposed amendment would provide sufficient funds to cover the TxDOT AFA design review costs on the Killeen-Fort Hood Regional Trail Segment 3 project. The proposed design review costs in the AFA are estimated to be \$14,555 for the applicable portion of the Killeen-Fort hood Regional Trail, Segment 3, project.

Staff recommends that the City Council approve this ordinance amending the FY 2013-2014 General Fund Budget.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Harris to approve PH-021A. Motion was seconded by Councilmember Clark; motion carried unanimously.

PH-14-021B Consider a memorandum/resolution authorizing the City Manager to execute an Advance Funding Agreement for the Transportation Enhancement project with the Texas Department of Transportation for the Killeen-Fort Hood Regional Trail Segment 3.

Staff comments: Scott Osburn

Segment 3 of the regional trail, a 1.35 mile section from Watercrest Road to West Elms Road running along the South Nolan Creek residential section, is the portion included in this project proposal.

City staff recommends that the City Council authorize the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation for the Texas Enhancement funding and issue payment in the amount of \$14,555 to the Texas Department of Transportation to move forward with the project.

Motion was made by Councilmember Clark to approve PH-021B. Motion was seconded by Councilmember Okray; motion carried unanimously.

PH-14-023 HOLD a public hearing and consider an ordinance requested by Myong C. Woodie (Case #Z14-04) to rezone 313 N. 8th Street from Historic Overlay District (HOD) to HOD with a Conditional Use Permit (CUP) for the on-premises sale and consumption of alcohol.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM HOD (HISTORIC OVERLAY DISTRICT) TO HOD WITH CUP (CONDITIONAL USE PERMIT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff comments: Shelly Shelton

This request is to rezone part of Lot 12, Block 11, Original Town of Killeen, from Historic Overlay District (HOD) to HOD with a Conditional Use Permit (CUP) to allow for use as a karaoke bar with on-premises sale and consumption of alcohol. The staff notified 19 surrounding property owners within a 200' notification boundary regarding this request. Staff has received one protest from Paul Jo, the owner of 311 N. 8th Street. The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 7 to 0.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Segarra to approve PH-023. Motion was seconded by Councilmember Okray; motion carried unanimously.

PH-14-024 HOLD a public hearing and consider an ordinance requested by Billy W. Revis (Case #Z14-05) to rezone 1316 W. Central Texas Expressway from B-5 (Business District) to B-3A (Local Business and Retail Alcohol Sales District). The property is located on the south side of W. Central Texas Expressway, approximately 135 feet east of Old FM 440.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY WITHIN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT) TO B-3A (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff comments: Tony McIlwain

This request is to allow for package store sales. The staff notified seven surrounding property owners regarding this request. Staff has received no responses. The Planning and Zoning Commission recommend approval of the applicant's change of zoning request by a vote of 7 to 0. It is consistent with the Comprehensive Plan and meets all of the TABC distance requirements.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Gilmore to approve PH-024 only with regard to the footprint of the building. Motion was seconded by Councilmember Okray; motion carried 6 to 1 with Councilmember Harris opposing.

- PH-14-025** HOLD a public hearing and consider an ordinance requested by the Killeen Independent School District (KISD) (Case #Z14-06) to rezone 70 acres, being part of the W. H. Cole Survey, Abstract No. 200, from A (Agricultural District) to SR-1 (Suburban Residential Single-Family District). The property is located along the east right-of-way of Trimmier Road, approximately .85 miles south of Stagecoach Road, Killeen, Texas. The property is locally known as 9132 Trimmier Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY WITHIN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM A (AGRICULTURAL DISTRICT) TO SR-1 (SUBURBAN RESIDENTIAL SINGLE- FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff comments: Tony McIlwain

The applicant is rezoning the property for school transportation facilities. The staff notified four surrounding property owners regarding this request. Staff has received no responses. The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 7 to 0 since the request is consistent with the FLUM.

Mayor Corbin opened the public hearing.

Michelle Lee w/Killeen Engineering & Surveying, 102 Stan Schlueter Loop- was present for questions and spoke in favor of PH-25.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-025. Motion was seconded by Mayor Pro-Tem Blackstone; motion carried unanimously.

- PH-14-026** HOLD a public hearing and consider an ordinance requested by Killeen Sunflower, Inc (Case #Z14-07) to rezone approximately 0.92 acres, being part of the Thomas Robinett Survey, Abstract No. 686 from B-5 (Business District) to R-2 (Two-family Residential District) for a duplex development. The property is located on the west right-of-way of Bachelor Button Blvd at the south west intersection of Bachelor Button Blvd and Watercrest Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff comments: Tony McIlwain

The applicant is rezoning the property for duplex use. The staff notified 18 surrounding property owners regarding this request. Staff has received no responses. The Planning and Zoning Commission recommended approval of the applicant's change of zoning request by a vote of 7 to 0. It is consistent with the zoning of adjacent properties.

Mayor Corbin opened the public hearing.

Michelle Lee w/Killeen Engineering & Surveying, 102 Stan Schlueter Loop- spoke in favor of PH-026.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-026. Motion was seconded by Councilmember Segarra; motion carried unanimously.

PH-14-027A HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'General Commercial' for approximately 5.364 acres, located approximately 1,100 feet south of the E. Elms Road, along the west right-of-way of Old Florence Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' TO 'GENERAL COMMERCIAL' FOR 5.364 ACRES OF LAND LOCATED APPROXIMATELY 1,100 FEET SOUTH OF E. ELMS ROAD, ALONG THE WEST RIGHT-OF-WAY OF OLD FLORENCE ROAD, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

Staff comments: Tony McIlwain

The Planning and Zoning Commission recommended disapproval of an amendment to the Future Land Use Map from 'General Residential' to 'General Commercial' by a vote of 7 to 0. This designation is not consistent with the prevailing residential designation along the western right-of-way of Old Florence Road. The site is not a high profile vehicular corridor.

Mayor Corbin opened the public hearing.

David Olsen, Mitchell & Associates, N. College Street – stated the owner is agreeable to a B-3 zoning.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Clark to disapprove PH-027A. Motion was seconded by Councilmember Okray; motion carried unanimously.

PH-14-027B HOLD a public hearing and consider an ordinance requested by Carol Daude, Trustee of the Margaret Dorothy Stefek Marital Trust, (Case #Z14-08) to rezone 4.261 acres, out of the A. Webb Survey, Abstract No. 857, from R-(Single-Family Residential District) to R-2 (Two-Family Residential District) and approximately 5.364 acres from R-1 to B-5 (Business District). The property is located approximately 1,100 feet south of E. Elms Road on the west right-of-way of Old Florence Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY WITHIN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT) AND R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff comments: Tony McIlwain

The staff notified 47 surrounding property owners regarding this request. Staff received three protests. The Planning and Zoning Commission recommends approval of the request to change the zoning of the 4.261 acres from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District), for duplex use, since the request is consistent with the adopted Future Land Use Map, a component of the Comprehensive Plan.

The Planning and Zoning Commission recommends approval of a zoning change to B-3 (Local Business District) for the subject property consisting of 5.364 acres, instead of the requested B-5 Business District designation. The applicant's agent stated that his client was agreeable to the B-3 recommendation from the Planning and Zoning Commission.

Mayor Corbin opened the public hearing.

David Olsen, Mitchell & Associates – addressed protest concerns from citizens and spoke in favor of the recommended zonings.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Segarra to approve PH-027B, rezoning 4.261 from R-1 to R-2 & 5.364 acres from R-1 to B-3. Motion was seconded by Councilmember Clark; motion carried unanimously.

PH-14-028 HOLD a public hearing and consider an ordinance requested by G. Wayne Cospers (Case #Z14-09) to rezone 23.148 acres, being part of the W. H. Cole Survey, Abstract No. 200, from A-R1 (Agricultural Single-Family Residential District), R-1 (Single-Family Residential District) and B-3 (Local Business District) to SR-1 (Suburban Residential Single-Family District). The property is located south of Cospers Ridge Estates, Phase Four and north of Chaparral Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY WITHIN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM AR-1 (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT), R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND B-3 (LOCAL BUSINESS DISTRICT) TO SR-1 (SUBURBAN RESIDENTIAL SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff comments: Shelly Shelton

The applicant is rezoning the property for future residential development. The staff notified four surrounding property owners regarding this request. Staff has received no responses. The Planning and Zoning Commission recommended approval of the applicant's change of zoning request by a vote of 7 to 0 since it is consistent with the Comprehensive Plan.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-028. Motion was seconded by Councilmember Okray; motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Gilmore, and unanimously approved, the meeting was adjourned at 6:12 p.m.

Daniel A. Corbin, Mayor

Dianna Barker, City Secretary